

ORIGINAL

OSHIRO_K.dft

LEONARDO M. RAPADAS
United States Attorney
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FILED
DISTRICT COURT OF GUAM
AUG - 3 2006 *hso*
MARY L.M. MORAN
CLERK OF COURT

Attorneys for the United States of America

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF GUAM

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KERINA S. OSHIRO,

Defendant.

CIVIL CASE NO. 06-00018

DECLARATION OF
MARIVIC P. DAVID

DECLARATION OF MARIVIC P. DAVID

I, MARIVIC P. DAVID, declare that:

1. I am the Assistant U.S. Attorney who represents plaintiff in this action.

2. Defendant resides within the Territory of Guam.

3. According to available records and my best information and belief, the Defendant is not an infant or incompetent person and is not in the military service of the United States within the meaning of the Soldier's and Sailor's Civil Relief Act of 1940, as amended, or otherwise entitled to the benefits of said Act.

4. Defendant KERINA S. OSHIRO has been properly served with the Summons and Complaint on July 10, 2006, as shown on the attached copy of the United States Marshals Service Return of Service and Summons.

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1 5. Defendant has failed to appear or file an answer within the time required by law.

2 6. The default of defendant herein and judgment against her as prayed for in the
3 complaint should be entered.

4 7. The claim of the plaintiff, United States of America, is for a sum certain in a
5 complaint for a debt owed the Department of Health and Human Services (HHS). There is now
6 due and owing from defendants to plaintiff, the sum of \$38,591.01 (principal \$17,600.00 +
7 interest \$20,991.01), plus interest at the statutory rate until judgment and at the post-judgment
8 rate thereafter; together with costs, including \$350.00 in filing fees under 28 U.S.C. § 1914(a).

9 I declare under penalty of perjury that the foregoing is true and correct to the best of my
10 knowledge.

11 Executed: 8/3/06, at Hagåtña, Guam.

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15 MARIVIC P. DAVID
16 Assistant U.S. Attorney
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PLAINTIFF UNITED STATES OF AMERICA	COURT CASE NUMBER CIV 06-00018
DEFENDANT KERINA S. OSHIRO	TYPE OF PROCESS SERVICE OF COMPLAINT & SUMMONS

SERVE ➔ AT	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN Kerina S. Oshiro
	ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) Yigo, Guam

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW: U.S. Attorney's Office Financial Litigative Unit Sirena Plaza, Suite 500 108 Hernan Cortez Avenue Hagatna, Guam 96910	Number of process to be served with this Form - 285 1
	Number of parties to be served in this case 1
	Check for service on U.S.A.

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):

ssn **5649**

Last known home no. Last known employer is Guam Department of Education nka Guam Public Shool System, Special Educatin Division. Last known work no. 475-0575.

Signature of Attorney or other Originator requesting service on behalf of: MARIVIC P. DAVID, AUSA	<input checked="" type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	TELEPHONE NUMBER (671) 472-7332	DATE 7/7/06
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SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted)	Total Process 1	District of Origin No. 093	District to Serve No. 093	Signature of Authorized USMS Deputy or Clerk [Signature]	Date 7/7/2006
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I hereby certify and return that I ☒ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.

☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above) * Walter Aray, Special Deputy US Marshal	<input type="checkbox"/> A person of suitable age and discretion then residing in the defendant's usual place of abode.	
Address (complete only if different than shown above) * Winchell's "Donut Shop" Mangilao, Guam 96923		
Date of Service 7/10/2006		
	Time 08:30	pm
	Signature of U.S. Marshal or Deputy * [Signature]	

Service Fee	Total Mileage Charges (including endeavors)	Forwarding Fee	Total Charges	Advance Deposits	Amount owed to U.S. Marshal or	Amount of Refund
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REMARKS:

DISTRICT COURT OF GUAM

UNITED STATES OF AMERICA

SUMMONS IN A CIVIL CASE

V.

KERINA S. OSHIRO

CASE NUMBER: 06-00018

FILED
DISTRICT COURT OF GUAM

JUL 13 2006

MARY L.M. MORAN
CLERK OF COURT

TO: (Name and address of Defendant)

Kerina S. Oshiro

~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~

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Yigo, Guam 96929

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

MARIVIC P. DAVID
Assistant United States Attorney
U.S. Attorney's Office
Sirena Plaza, Suite 500
108 Hernan Cortez Avenue
Hagatna, Guam 96910

an answer to the complaint which is served on you with this summons, within Twenty (20) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

MARY L.M. MORAN

CLERK

(By) DEPUTY CLERK

JUL - 7 2006

DATE

ORIGINAL

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE

Service of the Summons and complaint was made by me ⁽¹⁾	DATE 07/10/06
NAME OF SERVER (PRINT) Walter Gray	TITLE Special Deputy U.S. Marshal

Check one box below to indicate appropriate method of service

- ☒ Served personally upon the defendant. Place where served: Mangilao, Guam
- ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.
Name of person with whom the summons and complaint were left: _____
- ☐ Returned unexecuted: _____
- ☐ Other (specify): _____

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL
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DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on 07/10/06 Walter Gray
Date Signature of Server

Tamuning, Guam
Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.